

# Vinson&Elkins

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November 30, 2010

Honorable Tommy L. Broyles  
Honorable Craig R. Bennett  
Administrative Law Judges  
State Office of Administrative Hearings  
300 W. 15<sup>th</sup> Street  
Austin, Texas 78701

Service List

Re: *Deadlines to file pleadings following the PFD in TCEQ Docket No. 2009-033-AIR, SOAH Docket No. 582-09-2005; Application of Las Brisas Energy Center, LLC for State Air Quality Permit Nos. 85013, HAP48, PAL41, and PSD-TX-1138*

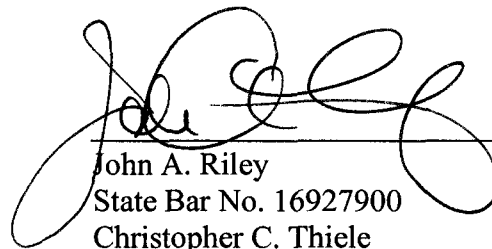
Dear Judge Broyles, Judge Bennett, and Parties,

Administrative Law Judges Craig Bennett and Tommy Broyles issued Order No. 25 today and indicated that the supplemental PFD in the above-captioned remand matter will be issued no later than Friday, December 3, 2010. Applicant intends to request, pursuant to 30 Tex. Admin. Code § 80.257(b), that the TCEQ General Counsel set the deadlines for filing exceptions and replies to exceptions to allow this matter to be placed on the TCEQ's December 14, 2010 Agenda. Applicant proposes the following schedule: set the deadline for exceptions on Tuesday, December 7, 2010 and the deadline for replies to exceptions on Thursday, December 9, 2010.

As the party requesting the change, Applicant is required under 30 Tex. Admin. Code § 80.257(b) to contact the parties prior to submitting its request. Applicant is also required to indicate whether its request is opposed by any party and whether the judges and the parties agree on the proposed dates. Accordingly, and given the time-sensitive nature of this request, Applicant asks that you respond to this letter as soon as possible and indicate whether you are opposed to Applicant's request to move the deadlines for filing exceptions and replies to exceptions as described above. Applicant intends to submit its request to the TCEQ General Counsel no later than 1:00 p.m. tomorrow (December 1, 2010). If Applicant has not received a response to this letter from one or more parties by that time, Applicant will indicate as much in its request to the TCEQ General Counsel.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'John A. Riley', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

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CENTER, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that, on this the 30<sup>th</sup> day of November 2010, a true and correct copy of the foregoing document has been served via hand delivery, facsimile, electronic mail, overnight mail, U.S. Mail, and/or Certified Mail, Return Receipt Requested, on the parties on the following service list.

**FOR SOAH:**

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The Honorable Craig R. Bennett  
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**FOR TEXAS CLEAN AIR CITIES  
COALITION**

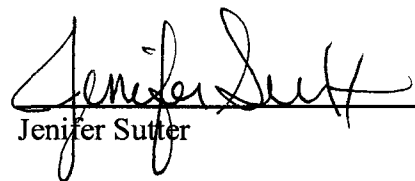
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Jenifer Sutter